

TOWN OF SILVER CREEK
REGULAR MEETING
October 9, 2012

The regular meeting of The Town Board of the Town of Silver Creek was held on Tuesday October 9, 2012 at the Town Hall. Present were Supervisors – Mike Hoops, Greg Hull, Larry Lampart; Treasurer – Bobbi Gilbert; Clerk – Laura Kleive; Deputy Clerk – Fred Whitney; Town Road Foreman – Rick Grupe; Lake County Commissioner – Rich Sve; Lake County Planning Commission Members – John Bathke, Nancy Hoops; Mark Fitzgerald. (Nancy Hoops had been called to arrive earlier than originally intended so that we could move up the discussion of the Fitzgerald Lake County Hearing agenda item).

Hoops called the meeting to order at 6:00 p.m.

CONSTITUENTS CONCERNS:

Rich Sve spoke about the many rural post office locations being either closed or having their funding reduced. The Finland Post Office may be one of these locations. Rich Sve indicated that the Lake County Board is writing a letter of support of rural post offices and was wondering if the Town Board would also send a letter. Rich Sve submitted for review a copy of an email he received from the Finland Post Office; Laurel Buchanan. Discussion followed regarding support as well as the multi-billion dollar losses that the post office nationally is losing. The Board did not reach a consensus for support.

CLARK ROAD ENCAMPMENT RIVER BRIDGE:

Discussion was held. Contracts and permits are complete. MNDOT has all submittals. November 26, 2012 is still the deadline for completion.

STEWART RIVER SUBORDINATE SERVICE DISTRICT:

Mike Hoops indicated that Eric Blasing from Wenck Engineering, will be up next week, October 15-16, 2012, and will be looking at the 80 acres near the Two Harbors golf course for a possible pond and drip line location. Mike Hoops presented a map from Eric indicating all ¼ mile setbacks from residential properties. Eric will be performing a general review as to whether or not the property could work. If it is deemed viable, then a closer investigation will need to be performed at that time. Mike Hoops asked if we still wanted to pursue this acreage. Mike Hoops, Greg Hull and Larry Lampart were in agreement to proceed. Mike Hoops will have Eric contact Greg Hull during Mike's absence. Greg Hull added that we must also proceed with the concept of an agreement with Two Harbors for dispersing the fully treated water onto the golf course. All agreed.

OLD BUSINESS – Fitzgerald – Lake County Hearing:

Mark Fitzgerald presented a brief history of his past and current conditional use applications and what he ultimately wants approved. Mr. Fitzgerald discussed the portable sawmill that was making a lot of noise. And by 2009 his business was done. He now wants a permit to start up and run a Bed and Breakfast, as well as run a sole proprietor sawmill.

Supervisor Hull raised a point of order asking why The Township is discussing this issue. We have no legal authority in this matter. It belongs at the County. Supervisor Hoops indicated that Lake County has in the past requested our input.

Mr. Hull moved that The Board takes no action to support or deny the Fitzgerald's conditional use application. Absent of a second, discussion continued.

Mr. Lampart asked if there is an ordinance or regulations that required a conditional use permit. Nancy Hoops added that noise had always been an issue in the past. The conditional use permit in the past has always contained this condition.

Mr. Lampart second Mr. Hull's previous motion, that The Board takes no action to support or deny the Fitzgerald's conditional land use application. Discussion continued.

Commissioner Sve presented a history/timeline of the Land Use regulations regarding a portable sawmill. The R1 Zone, where the Fitzgerald property is located, requires a conditional use permit. Discussion continued.

Mr. Hoops added that as it has in the past, where constituents are concerned and impacted, input from The Town Board is necessary.

Upon a roll call vote, Supervisors Hull and Lampart voted in favor of the motion, and Supervisor Hoops voted against the motion. Motion carried.

REVIEW MINUTES:

Motion by Hull, second by Lampart to accept the 09/18/2012 Regular meeting minutes as amended. Carried unanimously.

Supervisor Hull requested that it be noted in these minutes that it wasn't Eric Blasing from Wenck Associates that would be reviewing the Sewer Filtration Building system access board and software, but rather Tony Peterson from Onsite. The Town Clerk has made a notation in the 09/18/2012 minutes.

Motion by Hoops, second by Hull to accept the 09/24/2012 Cross – Cartway Hearing minutes as amended. Carried unanimously.

Motion by Hoops, second by Lampart to accept the 09/24/2012 Closed – Labor Negotiations – meeting minutes as presented. Carried unanimously.

TREASURER'S REPORT:

Ending balance of \$399,434.95 with \$816.05 in outstanding checks, and a bank charging error of \$5.50 and an error of not charging us for \$5.45, for a total of \$400,251.00 balance as of 09/30/12. The Lake Bank has corrected the above error, as well as the previous month's error of \$14.40.

Motion by Hull, second Lampart to accept the Treasurer's report as presented. Motion carried.

Motion by Hoops, second Lampart to transfer \$70,000.00 from savings to checking as per Treasurer's request. Carried unanimously.

READING OF THE BILLS:

Current month's bills were read; Claim # 3119 thru 3151. Motion by Hull, second Lampart authorizing payment of the bills and electronic fund transfers. Carried unanimously.

CORRESPONDENCE:

- Lake County Planning Commission hearing notices.
- Lake County Board of Adjustment notices.
- Lake County Land Use Applications.
- Lake County Highway 2012 Township Road mileage certification.
- 2011 Audit – Draft – Three letters to our auditors regarding the audit, our attorney retainer fee and our understanding of our deficiencies with segregation of duties due to our small staffing numbers.
- Lake County broadband steering committee – membership request.
 - Motion by Hoops, second by Hull appointing Lampart as our Township representative. Per meeting pay and reimbursement for travel and subsistence expenses actually and necessarily incurred applies. Carried unanimously.
- Lake County trail planning committee – membership request.
 - Motion by Hoops, second by Lampart appointing Hull as our Township representative. Per meeting pay and reimbursement for travel and subsistence expenses actually and necessarily incurred applies. Carried unanimously.

ROAD & SAFETY:

Rick Grupe reported that we now have only one spare pump left for the Castle Danger Subordinate Sewer District. We have plenty “aftermarket grinder pumps”. The ten pumps we purchased last year, 8 gooseneck style and 2 “aftermarket”, are now in use, save this last gooseneck pump. Tony Peterson from Onsite will be providing a cost estimate for upgrading the sewer filtration building access board. We also need to look at repairs to our pump station manholes. The cement is eroding. This upgrade and repair work wouldn't take place until next year. Grinder station inspections have taken place. The Clerk has been instructed to send out a reminder with next April's sewer billings to keep all grinder stations clear of plantings.

Mike Hoops indicated that we need to order more pumps soon.

Motion by Hull, second by Lampart authorizing the Road Foreman to purchase 10 replacement pumps. Carried unanimously.

Rick Grupe added that the West Castle Danger road is probably the worst due to the increased truck traffic caused by the Highway 61 repairs. Rick Grupe will begin work on grading as he can with the billing being directed to KGM. The old sewer truck is ready for sale. The Clerk and Road Foreman will place an ad in the newspaper for sealed bids to be presented by 11-16-12. We will retain the right to reject any and all bids. We have the Lake County mower for a few days and will try to get all shoulders mowed. The FEMA project worksheets are all done. Rick Grupe discussed the three river crossings that we need to have upgraded. An engineer needs to review and provide an analysis as to size of pipe required. If big enough, we may qualify for Town and Road Bridge money, but that would mean years out before replacement occurred. Rick will follow up.

RECESS:

Hull moved a ten minute recess at 8:07 pm, second by Lampart, carried unanimously.

Hoops called the meeting back to order at 8:13 pm.

OLD BUSINESS CONTINUED:

Tidball Property – Mike Hoops moved the approval of the letter certifying to taxes the Tidball past due billings in the amount of \$358.74, second by Hull. Carried unanimously.

Cross – Cartway – Hoops reminded all that we are not to have any discussions amongst ourselves regarding the hearing until the reconvened hearing slated for December 3, 2012. We may however, with permission, walk the properties in question.

Fitzgerald – Covered earlier

Notary Stamp – Town Clerk – Hull made a motion for the Deputy Clerk to move ahead with obtaining full Notary capabilities for the Town Clerk, with full fees reimbursable, second by Lampart, Carried unanimously.

MnWarn Application & Resolution – Further information was presented by both Whitney and Hull regarding member communities and what mutual aid would be provided. Lampart made a motion for us to join MnWarn, and complete the application process, second by Hoops. Carried unanimously.

Upon a roll call vote, the following resolution was approved – Supervisor Hull, Hoops and Lampart all voting Yes.

RESOLUTION AUTHORIZING GOVERNMENTAL
UNIT TO BE A PARTY TO MINNESOTA WATER AGENCY RESPONSE NETWORK
(MnWARN)

WHEREAS, Minnesota Statutes, Section 471.59 authorizes governmental units by agreement of their governing bodies to jointly or cooperatively exercise any power common to them;

WHEREAS, MnWARN has been established by the adoption of a Mutual Aid Agreement (the Agreement) among Governmental Units to allow their water, wastewater and storm water utilities to assist each other in case of an emergency;

WHEREAS, the Agreement allows other governmental units to become a party to the Agreement by the adoption of this Resolution and sending notice to the Secretary of the Statewide Committee for MnWARN; and

WHEREAS, the governing body of The Town of Silver Creek, Castle Danger Subordinate Sewer District considers it to be in the best interest of The Township to be a party to the Agreement.

NOW, THEREFORE, BE IT RESOLVED, that The Board of Silver Creek:

1. Authorizes the Chairman and Clerk to sign this resolution evidencing the intent of The Town of Silver Creek, Castle Danger Subordinate Sewer District to be a party to MnWARN; and
2. Clerk is directed to send a certified copy of this resolution and a completed membership information form to the Secretary of the Statewide Committee of MnWARN; and
3. The Town of Silver Creek, Castle Danger Subordinate Sewer District, agrees to comply with all terms of the Agreement.

IN WITNESS WHEREOF, The Town of Silver Creek, by action of its governing body caused this Resolution to be approved on October 9, 2012

By: _____
Mike Hoops, Its Chairman

And: _____
Frederick R. Whitney, Its Clerk

Clerk Transition, appointment and compensation – Clerk Laura Kleive handed in her letter of resignation, effective immediately. With reluctance and trepidation, Hull moved the acceptance of Clerk Kleive's letter of resignation, second by Lampart. Carried unanimously.

Effective 10-09-12, Lampart moved the appointment of our Deputy Clerk, Fred Whitney, to be appointed our acting Town Clerk until the March 2013 annual meeting, second by Hull. Carried unanimously.

Hull moved the acceptance of the compensation package as outlined in the compensation overview created as a result of the Closed Labor meeting dated 09-24-12, second by Lampart. Carried unanimously.

Part-Time Administrative Assistant, appointment and compensation – Hull moved the appointment of Laura Kleive to the part-time administrative position to aid in the transition for our new Clerk with compensation as identified in the above stated overview, second by Lampart. Carried unanimously.

Rick Grupe's Health Care Policy – The Clerk will find out where the renewal information is and whether or not we need to hold a special meeting.

In the event we need a special, closed meeting to discuss labor negotiations and compensation packages, Hull moved that we have a Closed meeting scheduled for December 4, 2012, immediately following the Castle Danger Subordinate Sewer District meeting, second by Lampart. Carried unanimously.

If there is a November 1st deadline, and the need for a Closed meeting to discuss labor negotiations and compensation packages, Hull moved October 23, 2012, 6:00 pm, second by Lampart. Carried unanimously.

NEW BUSINESS:

Snow Plow Policy – The policy and the application for driveway widening was reviewed and discussed. Hull moved the approval of the snow plow policy, with his annual protest regarding the order of the roads plowed, with roads 1-24 being the most efficient, then 24-1 should be equally efficient, second by Hoops. Carried unanimously.

The driveway widening application was discussed. Hull moved the increase to the non-refundable administration and inspection fee from \$6 to \$25, second by Hoops. Carried unanimously.

Hull made a motion to alter the application to read, "Senior Citizens, 65 years and older, shall be eligible for both widening services and administrative fees at half rate for their primary residential driveway only", second by Lampart. Carried unanimously.

Hoops moved to increase the hourly plowing rate from \$92.50 to \$125, second by Hull. Carried unanimously.

Draft 2011 Audit – The draft report of the 2011 Audit was presented. Letters relative to the audit – Segregation of Duties, Attorney Retainer and the Client Representation Letter were presented.

Hull moved approval of the Segregation of Duties letter to be signed by Chairman Hoops, second by Lampart. Carried unanimously.

Hull moved approval for the Clerk to sign the Attorney Retainer and Client Representation Letter, second Lampart. Carried unanimously.

ADJOURN:

Lampart made the motion to adjourn at 8:58 pm, second Hull. Motion carried.

The next regular meeting of the Town Board will be held on Tuesday, November 20, 2012, 6:00 p.m. at the Town Hall.

Respectfully submitted,
Frederick R. Whitney, Clerk